· · · · · · · · · · · · · · · · · · ·	Application No.	Applicant(s)
	09/316,905	SCHRODER ET AL.
Notice of Allowability	Examiner	Art Unit
	Stephan F. Willett	2142
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in the or other appropriate communing GHTS. This application is subsected in the community of the communi	nis application. If not included cation will be mailed in due course. THIS
1. This communication is responsive to <u>12/22/05</u> .		
2. 🔀 The allowed claim(s) is/are <u>1-22</u> .		
3.   The drawings filed on are accepted by the Examiner	r.	•
4. ☐ Acknowledgment is made of a claim for foreign priority una a) ☐ All b) ☐ Some* c) ☐ None of the:  1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☐ Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)).  * Certified copies not received: ☐ Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitinformal PATENT APPLICATION (PTO-152) which give 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must (a) ☐ including changes required by the Notice of Draftspers 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ☐ Deposition of the attached Examiner's Paper No./Mail Date ☐ Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the capacity of the proper of the deposit attached Examiner's comment regarding REQUIREMENT Is attached Examiner's comment regarding Requirement sheet Signature attached Ex	been received.  been received in Application cuments have been received in of this communication to file a ENT of this application.  itted. Note the attached EXAM is reason(s) why the oath or did to be submitted.  on's Patent Drawing Review (as Amendment / Comment or in the header according to 37 CFR is it of BIOLOGICAL MATER	No In this national stage application from the reply complying with the requirements  INER'S AMENDMENT or NOTICE OF eclaration is deficient.  PTO-948) attached  In the Office action of drawings in the front (not the back) of 1.121(d).  RIAL must be submitted. Note the
Attachment(s)  1.  Notice of References Cited (PTO-892)  2.  Notice of Draftperson's Patent Drawing Review (PTO-948)  3.  Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date  4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material	6.  Interview Sum Paper No./M 8), 7.  Examiner's Ar	rmal Patent Application (PTO-152) Immary (PTO-413), ail Date mendment/Comment atement of Reasons for Allowance
		INDREW CALDWELL VISORY PATENT EXAMINER

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## **DETAILED ACTION**

## Allowable Subject Matter

- 1. Claims 1-22 are allowed.
- 2. The following is an examiner's statement of reasons for allowance: independent claims 1, and 6 teach a network routing system with "a pair of separate paths" that route data with an input router node and a terminal router node which are common to each path that routes data along both paths, preselecting a router on a path and while still routing data on a path, upgrading software by preparing new software from the original software in the preselected router by swapping the new software for the original software without interruption and imperceptibly to the other routers.
- 3. The closest prior art of record does not teach upgrading software in a router specifically while maintaining multiple paths and basing new software on original software. Therefore, independent claims 1, and 6 are allowable over the prior art.
- 4. Claims 2-5, and 7-22 are allowed by the same rational as well as the further limitations added by these dependent claims.
- 5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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## Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

- . 2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.
  - 1. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

March 22, 2006

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

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